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ABSTRACT

This module deals with cooperative education student rights and responsibilities as they are specified in the Federal Family Educational Rights and Privacy Act of 1974 and the Michigan Employee Right to Know Act of 1978. Designed to be a self-paced instructional package, the module includes a pre-test, answer key, scoring instructions, a reinforcement exercise, case studies with appropriate answers, and additional agency and printed references. (MN)

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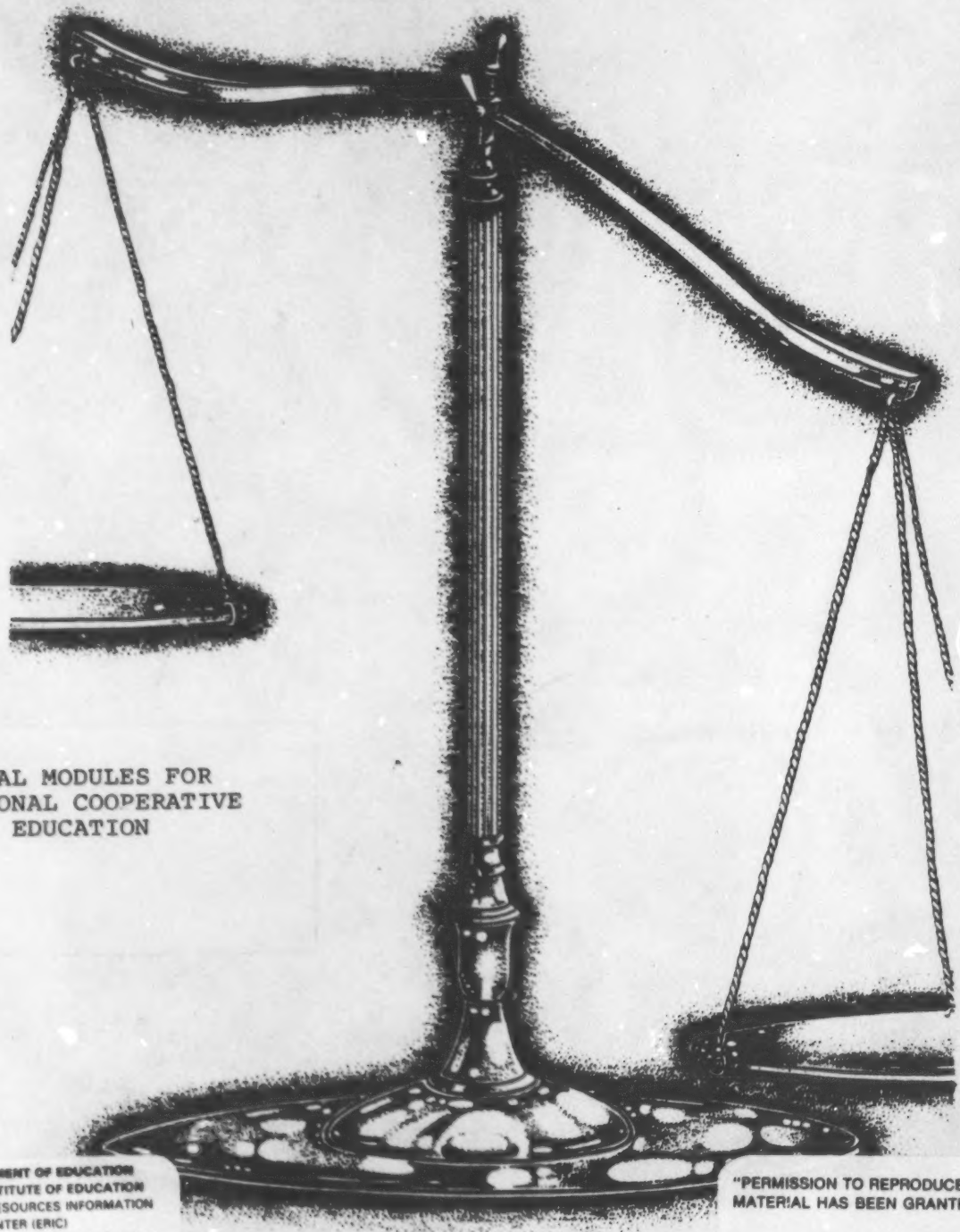
COOPERATIVE EDUCATION STUDENT RIGHTS AND RESPONSIBILITIES

FEDERAL FAMILY EDUCATIONAL RIGHTS ACT AND PRIVACY ACT OF 1974

MICHIGAN EMPLOYEE RIGHT TO KNOW ACT OF 1978



LEGAL MODULES FOR
VOCATIONAL COOPERATIVE
EDUCATION

CE 034162

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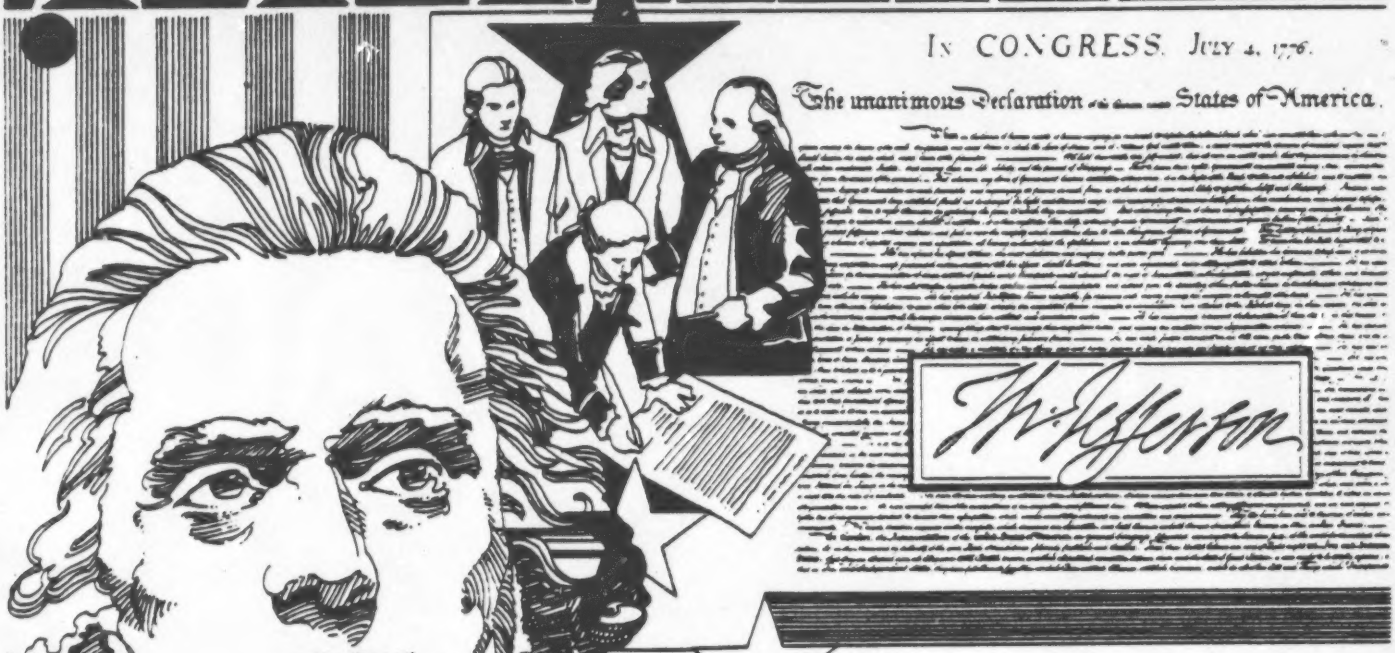
NOTE: This Module is not intended to serve as an in-depth or legally definitive analysis concerning the law, rule or regulation discussed. It does, however, represent an overview and an administrative opinion of the writers and may be subject to change or further clarification.



INTRODUCTION TO MODULE

OBJECTIVES

1. The coordinator will be able to describe the law, rule or regulation to students, employers, teachers, parents/guardians and administrators.

2. The coordinator will apply the law, rule or regulation to specific cooperative education training situations.

EXEMPTION TEST

A basic concept of competency-based education is to provide instruction that will meet individual needs and abilities. The first step is to determine if you already have the knowledge, skills, or judgments in question. So, you're being asked to take an Exemption Test. The Exemption Test is self-paced.

DIRECTIONS

1. The Exemption Test assesses your knowledge. It is administered before instruction; passage exempts you from the module.

2. Use the Exemption Test before working through the module.

EXEMPTION TEST

Directions: Read the statements below and mark with an (X) those statements which are true in reference to the Federal Family Educational Rights and Privacy Act of 1974 and the Michigan Employee Right to Know Act of 1978.

Michigan Employee Right to Know Act of 1978

____1. All employers are covered by the Michigan Employee Right to Know Act of 1978.

____2. Cooperative education students who wish to review their personnel records at the training station may verbally request this review by contacting the immediate supervisor.

____3. Cooperative education students can review their personnel records twice a year.

____4. When a cooperative education student disagrees with the information contained within a personnel folder, this student should come to a mutual agreement with the employer to remove or correct that information.

____5. If a student enrolled in a cooperative education program has an employer who refuses to correct questioned information about the student, then the student should submit a written statement for the personnel file.

____6. The employer can collect any information authorized by the cooperative education student about non-employment activities.

____7. Grievance investigations, medical reports and records and the cooperative education student's resume can be part of the employer's personnel record.

____8. The State of Michigan Employee Right to Know Act took effect on January 1, 1979.

____9. If an employer violates the Michigan Employee Right to Know Act, the cooperative education student may file a suit in District Court.

EXEMPTION TEST - FEDERAL FAMILY EDUCATIONAL RIGHTS and PRIVACY ACT of 1974

_____10. Parents, of cooperative education students, may inspect and review the education records of their children.

_____11. Parents must be allowed access to cooperative education student records within 30 days of their request.

_____12. Cooperative education students who are at least 18 years old may inspect and review their own personnel records.

_____13. The United States Department of Labor may terminate funding to any institution found to have failed to comply with the Family Educational Rights and Privacy Act.

_____14. Any school official with legitimate educational interests may inspect cooperative education student records without written consent.

_____15. Records may be sent to certain state and federal officials when a student in your cooperative education program applies for financial aid.

_____16. It is required to provide a student an annual notice of the right to access and privacy of records.

_____17. Student records may contain information about student attendance.

_____18. The United States Department of Education is responsible for regulating the Family Educational Rights and Privacy Act.

_____19. School authorities are urged to begin "from the fundamental principle that no information should be collected from students without the prior informed consent of the student and his/her parents."

_____20. The name of the cooperative education student, address of parents, date of birth, grades, standardized achievement scores, and attendance information can be accessible to reputable agencies and individuals with the understanding and consent of the students and parents/guardians.

_____21. Cooperative education information on students such as: health data, standardized intelligence and aptitude tests, family background information, teacher and counselor ratings, clinical findings and behavioral investigations should be closely guarded and, when appropriate, destroyed once its usefulness is ended.

_____22. Student records should be kept under lock and key at all times, and under the supervision of a designated professional.

_____23. A student can be denied into a cooperative education program because the student is pregnant.

_____24. A school district may consider attendance in determining a cooperative education student's grade in a class.

_____25. Expulsion and suspension from school must follow due process.

ANSWER KEY

THE CORRECT ANSWERS FOR THE FEDERAL FAMILY EDUCATION RIGHTS and PRIVACY ACT and THE MICHIGAN EMPLOYEE RIGHT TO KNOW ACT of 1978 ARE AS FOLLOWS:

_____1. False. Only those employers with four or more employees are covered by the Employee Right to Know Act in the State of Michigan.

_____2. False. Cooperative education students who wish to review their personnel records must make a written request to the employer.

_____3. True

_____4. True

_____5. True

_____6. True

_____7. False. Only an application form identifying the student-learner, materials disclosing a student-learner's salary increases, promotions, and job assignments and the student-learner's resume can be included by an employer in a personnel file.

_____8. True

_____9. False. If an employer violates the Michigan Right to Kow Act, the cooperative education student may file a suit in Circuit Court.

_____10. True

_____11. False. Parents must be allowed access to cooperative education student records within 45 days of request.

_____12. True

_____13. False. The United States Department of Education may terminate funding to any institution found to have failed to comply with the Family Education Rights and Privacy Act.

_____14. True

_____15. True

ANSWER KEY

_____16. True

_____17. True

_____18. True

_____19. True

_____20. True

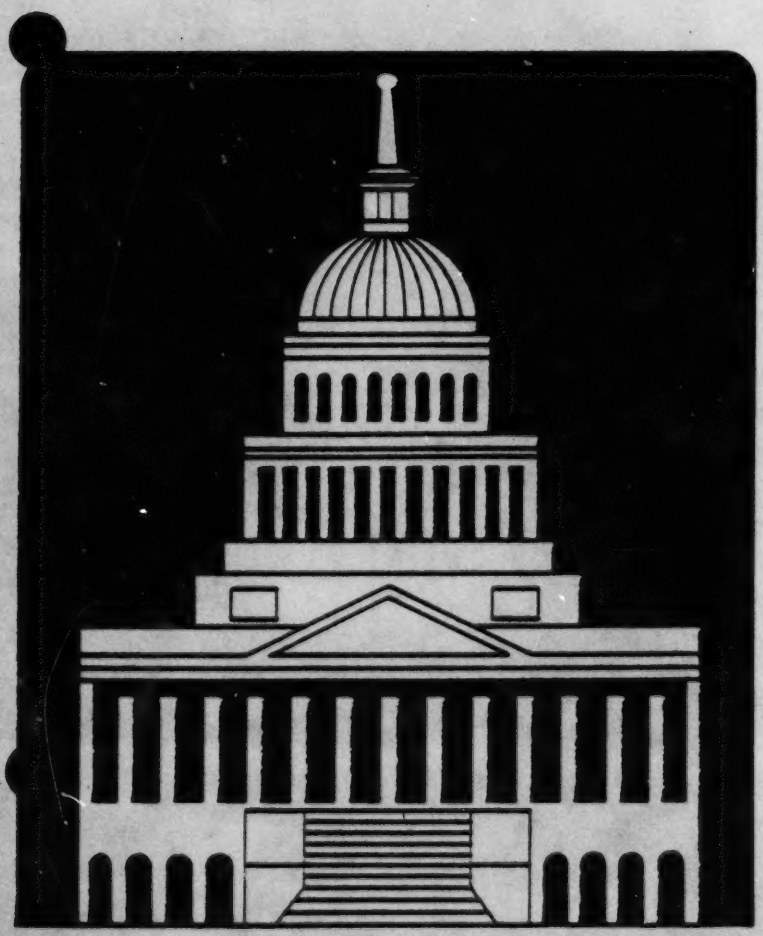
_____21. True

_____22. True

_____23. False. Students cannot be denied entry into a cooperative education program because they are pregnant.

_____24. True

_____25. True



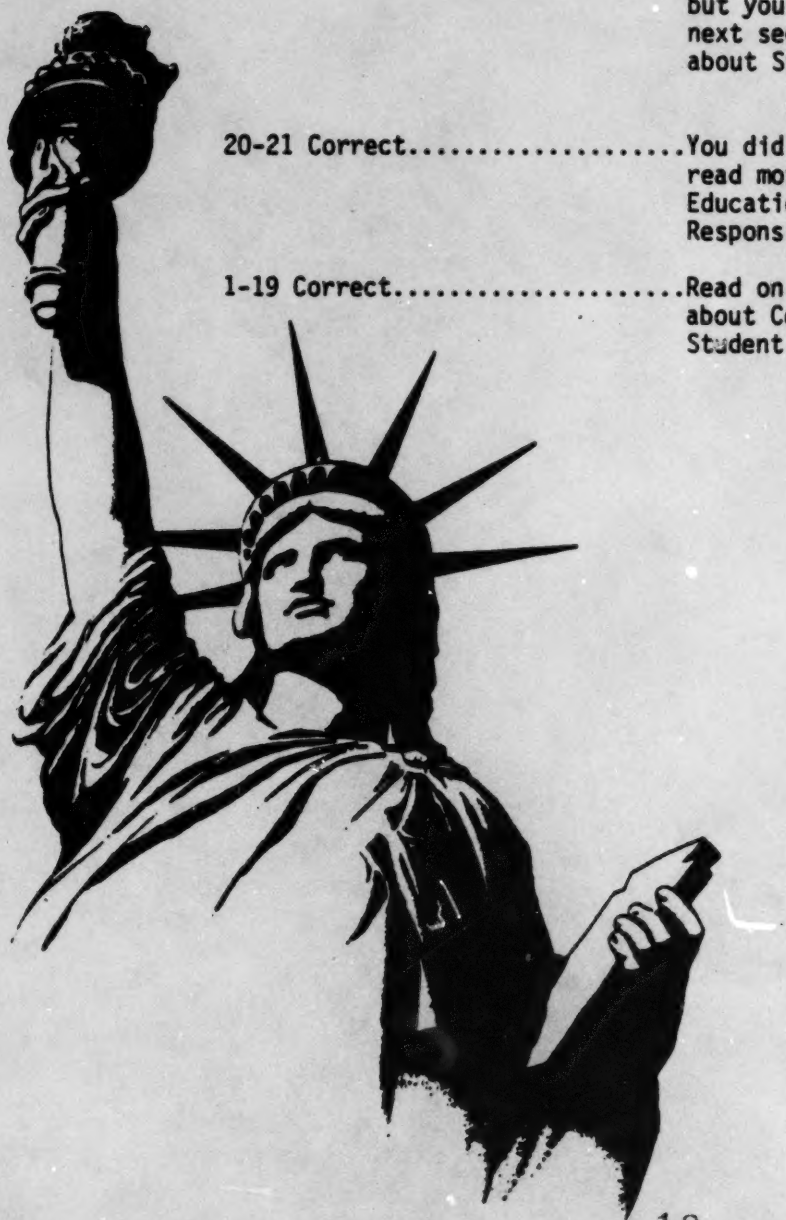
SCORING INSTRUCTIONS

24-25 Correct.....You know Cooperative Education Student Rights and Responsibilities.

22-23 Correct.....You have excellent knowledge about Cooperative Education Student Rights and Responsibilities, but you may want to read the next section, Acquiring Knowledge about Student Rights and Responsibilities.

20-21 Correct.....You did fairly well; you should read more about Cooperative Education Student Rights and Responsibilities.

1-19 Correct.....Read on, you must learn more about Cooperative Education Student Rights and Responsibilities.



REINFORCEMENT EXERCISE

DIRECTIONS: Read and answer the question and compare your answer with the response given on the left hand margin. Place a blank sheet of paper over the left hand margin. Good luck.

ACQUIRING KNOWLEDGE ABOUT COOPERATIVE EDUCATION STUDENT RIGHTS AND RESPONSIBILITIES

ANSWERS

C

1. Which employers are covered by the Michigan Employee Right to Know Act of 1978?

   A. All employers
   B. Only employers with one to three employees
   C. Only those employers with four or more employees

A

2. Students enrolled in cooperative education programs who wish to review their personnel records at their training stations must?

   A. Make a written request to the employer
   B. Contact their supervisor
   C. Be currently employed

B

3. How often may students enrolled in cooperative education programs review their personnel records at their training station?

   A. Once a year
   B. Twice a year
   C. Anytime

B

4. If a cooperative education student requested a copy of his/her personnel record, how much can the employer charge this student?

   A. Ten cents a page
   B. The incremental cost of duplicating the information
   C. Five cents a page

C

5. What should student-learners do when they disagree with the information contained in their personnel records?

   A. File the necessary grievance forms to assure the expedition of the incorrect information
   B. There is little that can be done because cooperative education student-learners cannot change information contained within their personnel records because of the training agreement.
   C. Come to a mutual agreement with the employer to remove or correct contested information.

ACQUIRING KNOWLEDGE ABOUT COOPERATIVE EDUCATION STUDENT RIGHTS AND RESPONSIBILITIES

ANSWERS	
A	6. What can cooperative education student-learners do if the employer refuses to correct questioned information in the personnel file? A. Submit a written statement explaining the student-learner's position B. Request the cooperative education coordinator to intercede with the employer C. Request a transfer to another training station
B	7. What information can the employer collect about the cooperative education student-learner's non-employment activities? A. Any criminal record from the last five years B. Any information authorized by the student-learner C. Any information about the student-learner's involvement in fraternal and religious organizations
C	8. When did the State of Michigan Employee Right to Know Act take effect? A. January 1, 1973 B. January 1, 1978 C. January 1, 1979
F	9. Which of the following can be included in a cooperative education student-learner's personnel file? A. Student-learner resumé B. Student-learner application C. Student-learner job assignments D. Information previously reviewed, that has been initialed and dated by the student-learner E. Evaluations of the student-learner that have been reviewed, dated, and signed by the student-learner F. All of the above.

ACQUIRING KNOWLEDGE ABOUT COOPERATIVE EDUCATION STUDENT RIGHTS AND RESPONSIBILITIES

ANSWERS

C

10. If an employer violates the Michigan Employee Right to Know Act, a cooperative education student-learner may file a suit where?

    A. Recorders Court
    B. District Court
    C. Circuit Court

E

11. Which of the following can be included in a cooperative education student-learner's school personnel record?

    A. Student-learner references that would identify the person making the reference
    B. Medical reports and records in an employer's possession if the information is available elsewhere
    C. Personal information concerning someone other than the student-learner
    D. Grievance investigations
    E. Educational records maintained by an educational institution
    F. Information about the student-learner concerning a criminal investigation
    G. All of the above

C

12. The Family Educational Rights and Privacy Act is?

    A. A specific law by itself
    B. Part of the Privacy Act of 1974
    C. Part of the Educational Amendments of 1974

C

13. After a written request is made to inspect and review the records of a student-learner in cooperative education, the educational institution must allow the review within?

    A. 15 days
    B. 30 days
    C. 45 days

ANSWERS

A

14. According to the Family Educational Rights and Privacy Act, directory information is defined as?

    A. The student-learner's name, address, date and place of birth, major field of study, participation in recognized activities and sports
    B. The student-learner's name, address, date and place of birth, and place of employment for parents
    C. The student-learner's name, address, date and place of birth, and association with other students

B

15. Which federal department regulates and enforces the Family Educational Rights and Privacy Act?

    A. United States Department of Labor
    B. United States Department of Education
    C. United States Department of Health and Human Services

B

16. Who is responsible in informing the student-learner and parents/guardians of rights accorded by the Family Educational Rights and Privacy Act?

    A. The Michigan Department of Education
    B. The local school district
    C. The cooperative education coordinator

B

17. Under what circumstances may personal record information be transferred to a third party?

    A. When the information is for a legal investigation
    B. When the information is cleared by written permission of the parents
    C. When the information is for a school official of another educational institution
    D. All of the above

ANSWERS

A

18. The Family Educational Rights and Privacy Act allows parents to inspect and review?

    A. Only their children's records
    B. Their children's records and the financial records of the educational institution
    C. Their children's records and the staff planning sheet of the educational institution

C

19. The Secretary of Education may terminate assistance to an educational institution if it has been determined that there has been a failure to comply with the Family Educational Rights and Privacy Act and?

    A. A 60 day warning has been given
    B. The notice to "terminate funding" has been formally addressed by the school board
    C. It has been determined that compliance cannot be secured by voluntary means

C

20. The cooperative education coordinator may review student-learner records when?

    A. The student-learner has given written permission
    B. The parents have not given written permission
    C. A legitimate educational reason occurs

You be the judge...

CASE STUDIES

1. Tim, a cooperative education student-learner, was placed in a sales position at Acme Bakery. After six weeks on the job Tim asked Mary Nardi, the manager of Acme, for the time and opportunity to review his personnel record at the Bakery. When Tim reviewed his personnel record he found: his resumé, his job application, reference letters from former employers, a copy of Acme's staff planning function showing where Tim was situated among Acme's other five employees, information about Tim's father who had worked at Acme, and his high school education record.

   Tim maintains that much of this information should not be included in his personnel record folder at Acme Bakery and has turned to you, the coordinator, for assistance. What would you suggest to Tim?
   Carl Woloszyk/Jack Humbert

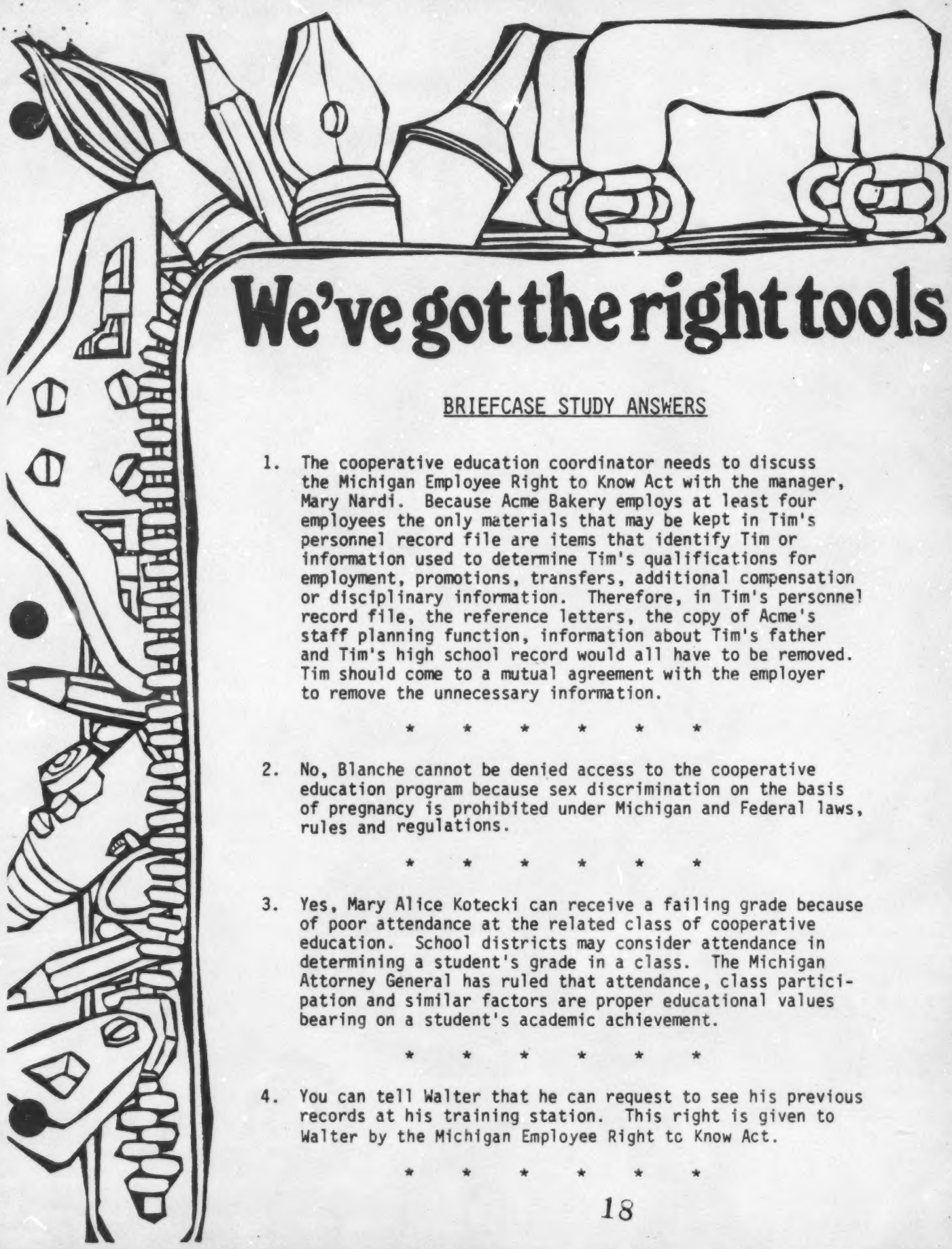
2. Blanche Moore applies for your cooperative education program. Your advisory committee helps you select students through personal interviews. When Blanche interviews she tells the advisory committee, "I want you to know that I am pregnant and will be able to work for only four months. But I have to work." Because of this statement the advisory committee of your cooperative education program recommends that Blanche not be accepted. Justification for this decision is that Blanche will only be able to work for four months. Would you as the coordinator take the advice of your advisory committee and reject Blanche's application for cooperative education?
   Jack Humbert/Carl Woloszyk

You be the judge...

3. Mary Alice Kotecki, a cooperative education student-learner, goes to the job but skips the related class. She does this regularly and has missed 12 of the related classes in a semester. She tells you, the coordinator, that the related class is a waste of time. Although Mary Alice is not attending the related class, she is doing an excellent job at her training station. At the end of the semester you decide to fail Mary Alice because she has not completed her related class assignments. Can you justify this action?
Carl Woloszyk/Jack Humbert

4. Walter Washington lost his cooperative education job. He is now trying to get a new job but is having many problems. One of the interviewers told him, "Your past references are terrible. Your cooperative education training station gave you a negative reference." Because of these comments in a job interview, Walter asks you, the coordinator, if he can see his past work records. What would you tell Walter?
Jack Humbert/Carl Woloszyk

5. Jim Bowers has been a cooperative education student for two years. Working with Jim are two other cooperative education students. At the beginning of the second year the other two students, Betty Reese and Mary Potterton, received new jobs and a pay increase. Jim did not receive this increase or a job change. He asked his training station sponsor for the reason and was not given a reason other than, "You'll get a job and a pay increase very soon." Five months after this discussion with the training station sponsor, Jim is still at the minimum wage. Jim feels that he received a poor evaluation from a co-worker and wants to review his personnel records. What would you suggest to Jim as the cooperative education coordinator?
Carl Woloszyk/Jack Humbert



We've got the right tools

BRIEFCASE STUDY ANSWERS

1. The cooperative education coordinator needs to discuss the Michigan Employee Right to Know Act with the manager, Mary Nardi. Because Acme Bakery employs at least four employees the only materials that may be kept in Tim's personnel record file are items that identify Tim or information used to determine Tim's qualifications for employment, promotions, transfers, additional compensation or disciplinary information. Therefore, in Tim's personnel record file, the reference letters, the copy of Acme's staff planning function, information about Tim's father and Tim's high school record would all have to be removed. Tim should come to a mutual agreement with the employer to remove the unnecessary information.

* * * * * *

2. No, Blanche cannot be denied access to the cooperative education program because sex discrimination on the basis of pregnancy is prohibited under Michigan and Federal laws, rules and regulations.

* * * * * *

3. Yes, Mary Alice Kotecki can receive a failing grade because of poor attendance at the related class of cooperative education. School districts may consider attendance in determining a student's grade in a class. The Michigan Attorney General has ruled that attendance, class participation and similar factors are proper educational values bearing on a student's academic achievement.

* * * * * *

4. You can tell Walter that he can request to see his previous records at his training station. This right is given to Walter by the Michigan Employee Right to Know Act.

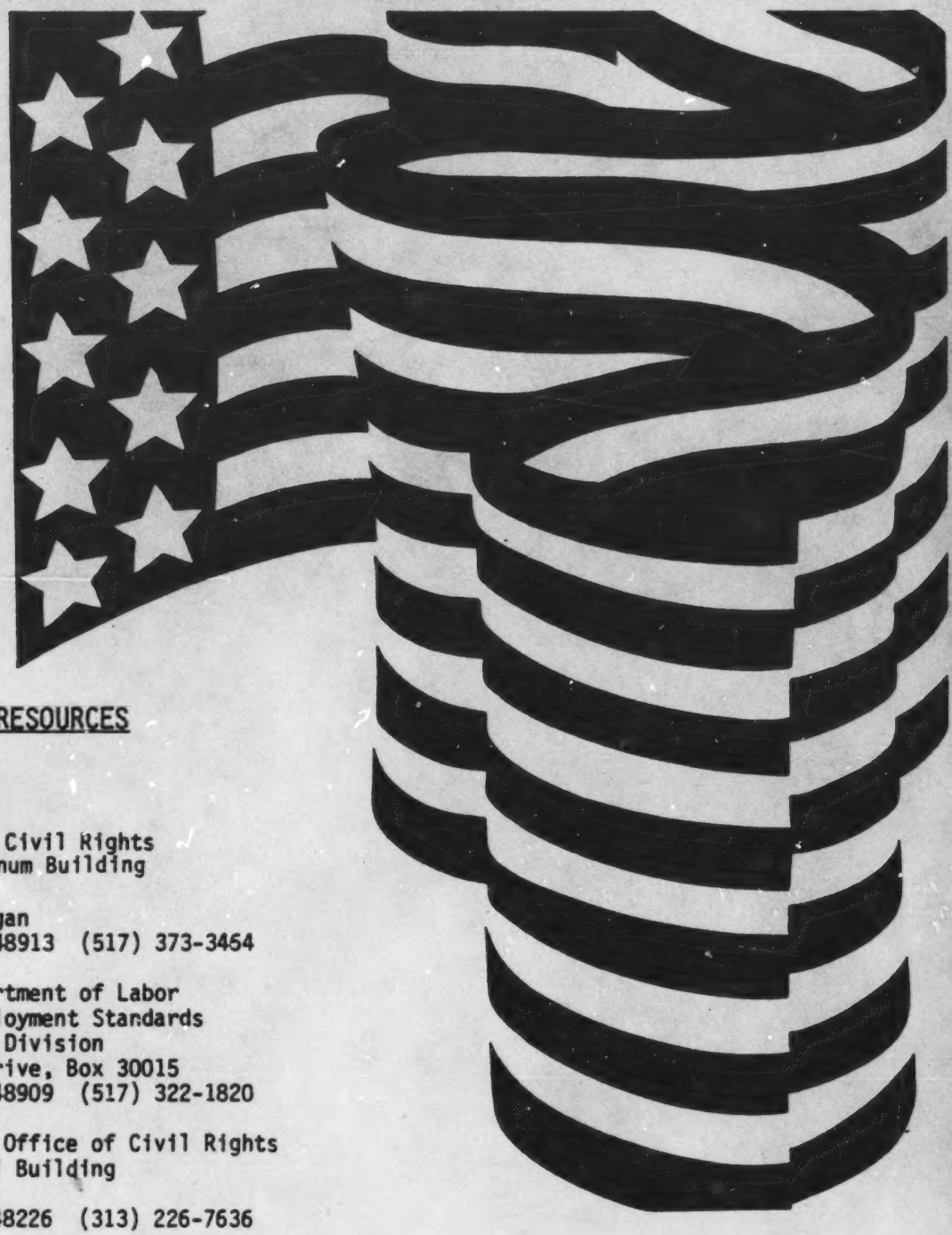
* * * * * *

We've got the right tools

BRIEFCASE STUDY ANSWERS

5. Tell Jim that he has the right to request a review of his work records.

* * * * * *



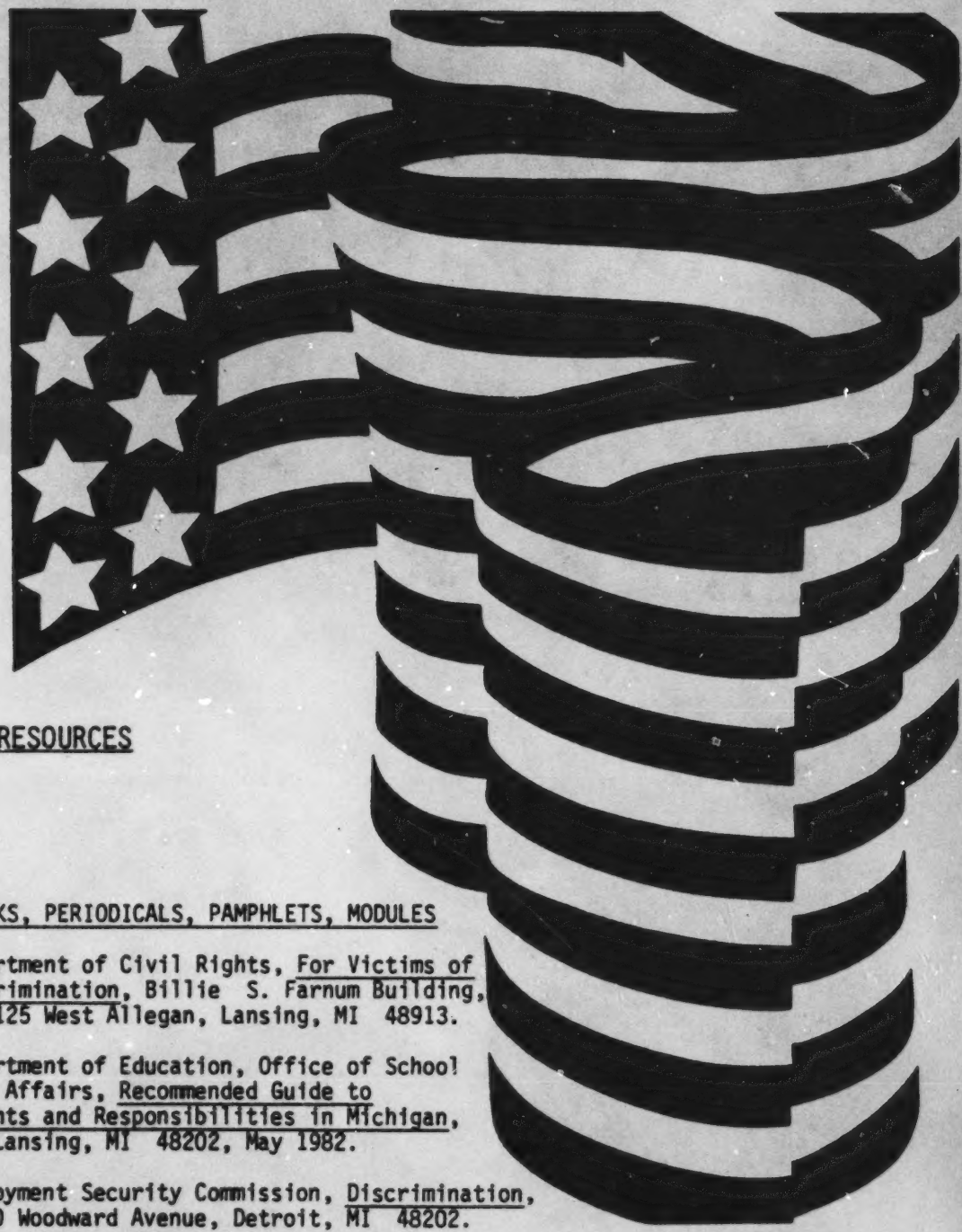
ADDITIONAL RESOURCES

AGENCIES

Department of Civil Rights
Billie S. Farnum Building
Tenth Floor
125 West Allegan
Lansing, MI 48913 (517) 373-3454

Michigan Department of Labor
Bureau of Employment Standards
Wage and Hour Division
7150 Harris Drive, Box 30015
Lansing, MI 48909 (517) 322-1820

United States Office of Civil Rights
First National Building
Suite 600
Detroit, MI 48226 (313) 226-7636



ADDITIONAL RESOURCES

REFERENCE BOOKS, PERIODICALS, PAMPHLETS, MODULES

Michigan Department of Civil Rights, For Victims of Unlawful Discrimination, Billie S. Farnum Building, Tenth Floor, 125 West Allegan, Lansing, MI 48913.

Michigan Department of Education, Office of School and Community Affairs, Recommended Guide to Students' Rights and Responsibilities in Michigan, 2nd Edition, Lansing, MI 48202, May 1982.

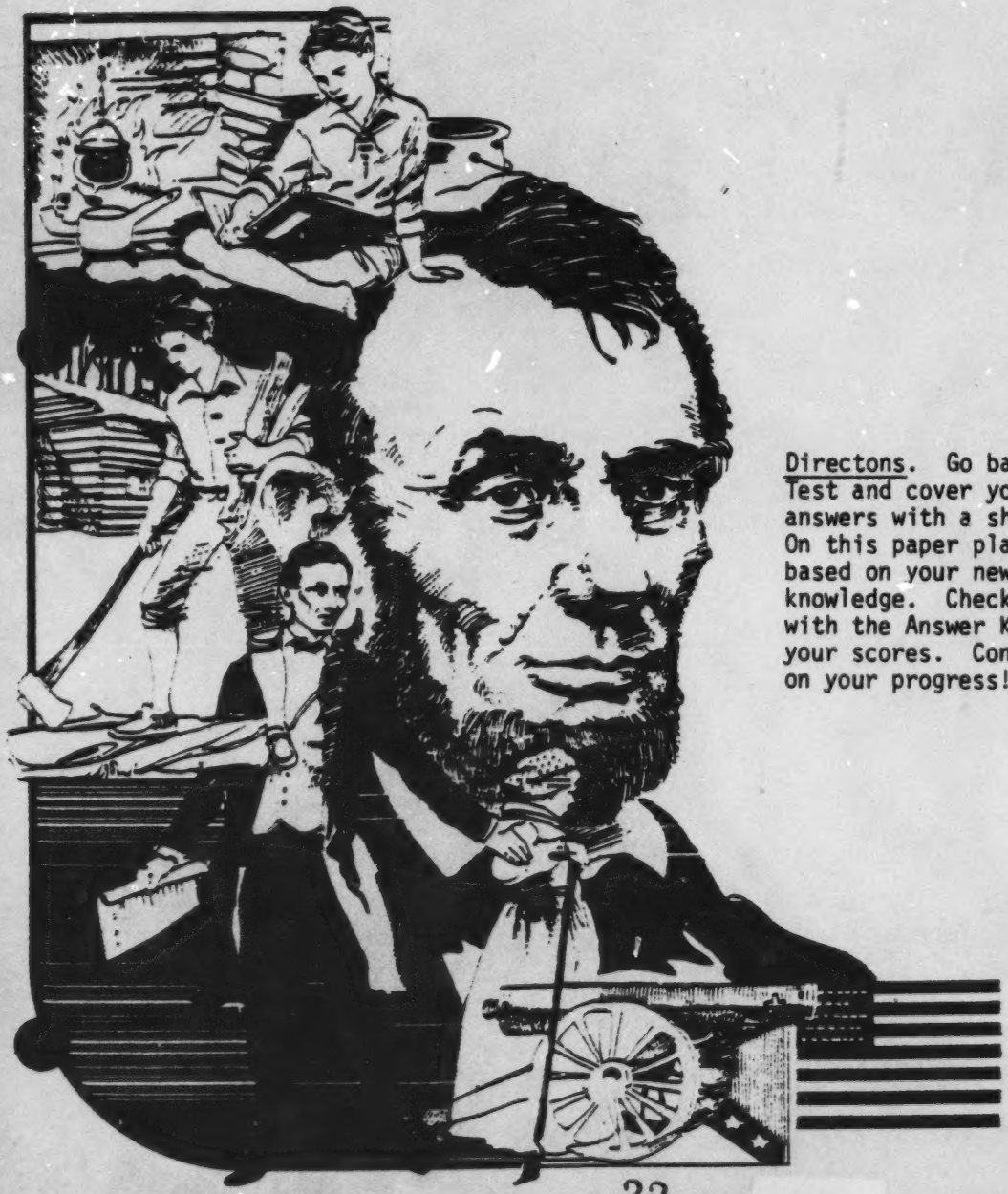
Michigan Employment Security Commission, Discrimination, Room 406, 7310 Woodward Avenue, Detroit, MI 48202.

Michigan Department of Labor, Office of Women and Work, A Guide to Women's Employment Rights in Michigan, Leonard Plaza Building, Lansing, MI 48909, March 1980.

EXIT TEST

COOPERATIVE EDUCATION STUDENT RIGHTS AND RESPONSIBILITIES

Exit Test. The Exit Test is administered to assess your newly gained knowledge about cooperative education student rights and responsibilities. Are you ready for the final evaluation? The Exit Test is the same as the Exemption Test you took earlier. Good Luck.



Directons. Go back to the Exemption Test and cover your original answers with a sheet of paper. On this paper place your answers based on your newly acquired knowledge. Check your answers with the Answer Key and compare your scores. Congratulations on your progress!

MICHIGAN STATE BOARD OF EDUCATION

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